PRACTICAL LESSONS

IN

Parliamentary Law.

LIZZIE E. KEHR.

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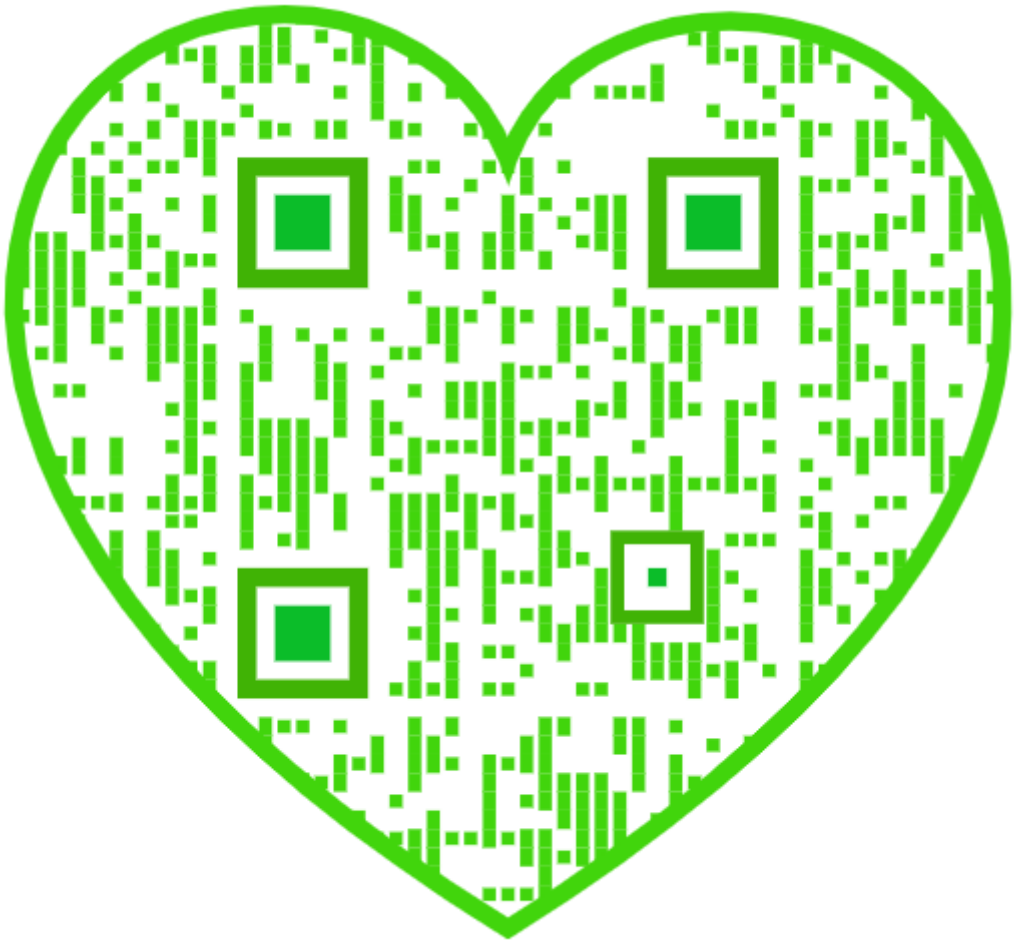

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INTRODUCTION.

ORIGIN AND DEVELOPMENT.

Parliammentary law is a system of controlling usages in the government of deliberative bodies which had their origin in the Parliament of England. They are not a succession of arbitrary rules and purposeless forms, but are founded upon the common experience of mankind and upon the application of the principles of equality and justice. Every deliberative body, however, is a law unto itself and has supreme authority over its own rules of action. Charters, rules of Congress and Legislatures—in fact, of all deliberative bodies, are voluntary concessions for the protection of the minorities. Majorities are always in a position to look out for their own interests.

While Mr. Jefferson was presiding officer of the Senate he prepared a treatise on parliamentary law, aiming to reconcile precedents with reason and principles. Previous to this time parliamentary law was mostly a mass of English precedents, which were followed more because they were such than because they were examples of suitable methods of dispatching business.

These innovations from English customs

have been brought about with very little friction, as we do not have the reverence which the English have for precedents, and are always in favor of changes when they are considered an improvement. In this day the difference between English and American parliamentary law is so great that it would be almost impossible for a person versed in our parliamentary usages only to understand the proceedings of the House of Commons.

Wherever there is an assembly there is need of a knowledge of parliamentary law, so that business may proceed expeditiously and in accord with the sense of the assembly.

Americans have obtained their knowledge of parliamentary forms from the usages of our deliberative bodies, especially that of the House of Representatives, which governs the practice upon most great questions and forms the basis of our common parliamentary law.

PREFACE.

This is an age of concentration of forces through organization. A thorough and practical understanding of parliamentary law is a necessity by which organization may be properly produced and effectually operated.

A knowledge of this science develops a person practically and ethically. It compels attention to detail, causes quick and logical thinking, concentration, and self-confidence. It broadens the sense of justice and imparts an increased respect for the rights of others.

During the last decade the woman's club movement has spread with such rapidity that women have found themselves occupying positions of honor as leaders who had not been trained to properly fill such places. This situation has brought about a wave of parliamentary reform, and women from one end of the country to the other are doing their best to master the subject and to become capable presiding officers as well as efficient workers in the body.

One of the results of the general interest in this subject is the increased enthusiasm for this study among high school and college societies.

This manual has been prepared at the earnest request of pupils of the writer, and is the

result of careful preparation for the lectures and drills; after repeated experiments in the method of presentation, the plan outlined in this book has been found to produce the best results in the shortest time. No reference is given to parliamentary rules or practices of legislative bodies, but our aim is to make plain general principles governing parliamentary law, which, when thoroughly understood, will render the student capable of easily mastering the special rules of any deliberative body.

Chapter I.

THE CONSTITUTION.

The word "constitution," as employed in the United States, implies a written instrument. In England the word is used to define an organization or system of government made up of charters, as the Magna Charta, the general Acts of Parliament, and a collection of long-established legal usages. These are not compiled in a single instrument as in this country, but are to be found in many different places. According to the American idea, the constitution proceeds from the people in the exercise of their natural right of self-government, and can be superseded or amended only by them.

A constitution is the supreme law. It is an outline or frame, and should be expressed in general and comprehensive terms. There should be no attempt to particularize, or the constitution will not adapt itself to expansion. It should embrace all large and permanent matters necessary to the safety and dignity of the society, leaving details to the by-laws. As the constitution contains nothing but what is fundamental, it should be made very difficult to amend. Previous notice in writing of the amendment should be required, and, where

meetings are frequent, an amendment should not be allowed more often than semi-annually or annually.

The following essentials belong to the constitution:

Name and object of the society.

Qualification of members.

Officers, method of election.

Meetings, regular and special.

Quorum and provisions for amendment.

A constitution should not be violated even by unanimous consent. Should it and the by-laws conflict, the latter yields.

An incorporated body is governed by the State law, to which it must conform. Anything may be put into its by-laws which does not conflict with the superior laws of the State.

THE BY-LAWS.

The by-laws are the rules of a corporation, legislature, or society, made for the regulation of its internal organization, and distinguished from the constitution in treating of details and in being more easily amended. The by-laws of an ordinary society should contain the following points:

Duties of officers, especially the unusual ones.

The manner of conducting nominations and elections in detail.

All details in regard to meetings.

The time when the new officers assume their duties.

Proposal and election of members. Limitations of members regarding payment of dues and privilege of voting.

The creation and duties of committees.

Provision for filling vacancies in office.

All changes from the common parliamentary law not contained in the manual should be explicitly stated.

Order of business.

Adoption of a manual on parliamentary practice.

Provisions for amendment.

The by-laws should be placed out of the power of any one meeting to modify, by requiring previous notice of amendments.

Many societies, in addition to the constitution and by-laws, adopt standing rules which are binding on the society until repealed. Such rules can be adopted at any meeting by a majority vote, and at any future session can be amended or rescinded by the same vote. Of course, no standing rule or resolution is in order which conflicts with the constitution and by-laws.

No article of the constitution should ever be suspended. A by-law cannot be suspended unless provision is made for suspension in the by-laws, which is sometimes done in case of the particular by-laws relating to the order of

business. Provisions for suspension of the standing rules should be made, and when there is no such provision, the better course is to repeal the rule, as while rules exist they should be obeyed.

Chapter II.

ORDER OF BUSINESS.

In small societies, or in any organization in which the business is transacted by the society itself, the following order of business is suggested as suitable:

1. Reading and approval of minutes of previous meeting.
2. Reports of standing committees.
3. Reports of special committees.
4. Unfinished business.
5. Communications.
6. New business.
7. Adjournment.

The following is the natural order of business in societies where the business is carried on by a board of directors, and meetings of the society are held for literary purposes:

1. Reading and approval of minutes.
2. Reports of special committees.
3. Miscellaneous matters.
4. Programme.
5. Adjournment.

The following is adapted to board meetings:

1. Reading and approval of minutes.
2. Report of treasurer.
3. Roll call.
4. Unfinished business.
5. Reports and communications.
6. New business.

7. Miscellaneous matters.
8. Adjournment.

Sometimes the natural order is modified to admit special orders, often called orders of the day, which are placed next in order after approval of minutes, unless the order was assigned to a certain hour. Business thus assigned must be called up by the presiding officer at the time designated, and any business pending at that time must await the pleasure of the assembly. The special order may be disposed of, and the business interrupted, then resumed, or the assembly may vote to finish the pending business before considering the orders of the day. There is no arbitrary rule regarding this subject, each society having the power to adopt any order of business best suited to its character and needs.

MEETINGS.

Meetings are of two general kinds, regular and special.

There are also adjourned regular and adjourned special.

An adjourned meeting is the legal continuation of the meeting which was adjourned.

If a society desires to restrict business done at special meetings to that contained in the call, it must be so stipulated in the by-laws.

A call specifying the business to be considered should be copied in the minutes, and may be read at the opening of the meeting.

At a special meeting thus restricted, minutes may be read for information, but not approved, unless mentioned in the call.

In permanent societies, having weekly or monthly meetings, each meeting constitutes a session, which may be extended by adjourning to a later hour or another day.

A complementary meeting is an extra one for which the constitution has made no provision. At a meeting of this nature, no business is in order, but any programme may be rendered.

Chapter III.

DUTIES OF OFFICERS.

The Chairman.

The presiding officer occupies the most prominent position in any organization, and a good example is the most forcible argument he can use to influence the conduct of those he directs. Among the many qualifications of a good chairman, self-control is the most important. Magnetism, tact, an attractive personality, and even great executive ability may have weight for a time, but will not insure lasting respect. The man who is absolutely impartial in his rulings, regardless of personal feelings, is bound to be popular; the moment he permits friendship or any other consideration to influence his rulings, his usefulness will cease. A wise presiding officer will never use his knowledge of parliamentary law to further any project he favors in defiance of the evident "sense" of the assembly. The following are the most important duties of a chairman:

To call the meeting to order at the proper hour; to ascertain the presence of a quorum, and, if there is no prospect of one, to adjourn the meeting; to announce the business in its proper order, and enforce an orderly transaction of it; to state and put all questions prop-

erly brought before the assembly and announce the result of all votes; to maintain order and decide all questions of order, subject to an appeal; to stand when putting a question and when speaking to a point of order or appeal. In stating his rulings, or in referring to himself, if in the relation of chairman, he must say, "The chair rules," etc. He should retain the respectful attention of the assembly for any member to whom he has given the floor. He should authenticate by his signature all warrants and forms as required and in a general way stand for the organization, declaring its will and in every instance obeying its rules. If necessary to leave before a meeting is finished, he may appoint a chairman, but the first adjournment ends the service of the person so appointed. When a chairman knows he will be absent at a future meeting, he has no right to authorize another to act in his place. A presiding officer will often find himself perplexed with difficulties, but it is well to heed the advice of a distinguished writer on parliamentary law, who says: "The great purpose of all rules and forms is to subserve the will of the assembly rather than restrain it; to facilitate and not to obstruct the expression of their deliberate sense."

The Secretary.

In the absence of the president and vice-president, the secretary should call the meeting to order and ask for nominations for

chairman *pro tem.* He should put the vote on nominations and declare the result.

The secretary takes notes of all the proceedings during the meetings and submits a record of the same at the following meeting. This record must be signed by the person acting as secretary. The record is called the minutes, and should contain:

Kind of meeting, regular, special, etc.

Name of assembly.

Place, hour, and date.

Presence of the presiding officer; if absent, the substitute.

Absence of the secretary, giving substitute.

What action, if any, was taken on minutes of previous meeting.

The above should be followed by all that is done which results in a parliamentary transaction. Questions of order and the rulings thereon and questions of privilege should be recorded, and all rulings should be preserved as precedents. When the vote is by ballot or where there is a division, he should enter the number of votes on each side; when by yeas and nays, a list of names of those voting on each side, with the vote opposite the name. If the report of a committee is of great importance, the assembly should order it entered in full upon the record. When not so ordered, the secretary should endorse on report the date of its reception and what action was taken upon it and preserve among the records,

always entering on the minutes a summary of the report. Resolutions should be entered in full as adopted. He should hand the names and all papers referred to any committee appointed. A motion withdrawn without action upon it need not be recorded.

He should prepare an order of business for the presiding officer.

The secretary is the custodian of the contracts, minute books, reports and other papers, as well as the correspondence, if there be but one secretary. All official documents are open to the inspection of members. He should never criticise anything done in a meeting. The minutes should be written in ink, leaving a margin for corrections and marginal notes. When published, or when required by by-laws, the record should be signed by both secretary and president.

If less than a quorum vote at an election, the secretary should state in the minutes that a quorum was present, as a question of the legality of the election might arise.

Before adoption, minutes are corrected without motion, unless the assembly is divided regarding the point in question. If, after adoption, errors are detected, they are corrected by a motion to amend the minutes. The office of recording secretary is a very important one. The record is the transcript of what has been done, no matter how objectionable the action may have been, and the duty of the secretary is to state facts. The members may

annul by subsequent votes their previous action, but they cannot change such action by making the records tell an untruth.

A motion to expunge the records of some previous action of the assembly is both immoral and of no effect, unless such action were illegal.

Only two officers are necessary for a parliamentary organization, one to preside and another to keep the records. Other officers may be chosen, whose duties are not prescribed by parliamentary law, but by the regulations of the assembly.

In case of inability of the president, the vice-president becomes the acting president with all his powers; any other duties must be specially provided for.

The treasurer has charge of the funds, but disburses the same as provided by the by-laws.

The duties of the corresponding secretary should be clearly defined, as confusion often results as to the exact duties of the two secretaries. An ordinary society is a democratic body, based upon the doctrine of the equality of one member with every other; it is the duty of the members to be just in their dealings with the society and each other, remembering that all enjoy the same privileges, but that the rights of one leave off where the rights of another begin.

Chapter IV.

MASS-MEETING.

When a number of persons meet for a special purpose they become one body, subject to common parliamentary law, unless special rules as to certain methods are adopted.

Some one interested in having the meeting calls it to order, and asks for nominations for chairman. Chairman being elected, announces the first business is the election of a secretary, etc. The chair then states the object of the meeting, if this has not been done by the one calling the meeting to order, and asks the pleasure of the meeting. Proceedings follow in accordance with the object of the meeting. Usually, someone offers a series of resolutions previously prepared, or else moves the appointment of a committee to prepare resolutions expressive of the sense of the meeting. After the resolutions are read, someone moves their adoption. They may then be debated, amended, etc. When the purpose for which the meeting was called is accomplished, the meeting adjourns *sine die.*

PERMANENT SOCIETY.

When it is desired to organize a permanent society, a meeting is called and a temporary organization is effected in a manner similar to that of a mass-meeting. Following pre-

liminary discussion, should that be desired, is the consideration of a draft of a constitution and by-laws. This may be offered by members provided with a draft, or it may be presented by a committee then and there created for the purpose. This committee may report at the same meeting, if practicable, or at a subsequent one.

ADOPTION OF CONSTITUTION.

When the draft is presented, a motion is made to adopt, which is seconded and stated. The chairman then directs the secretary to read the first article, and asks if there are any amendments; each article is then taken up, considered, and perfected, then the entire draft re-read as amended, and its consideration and amendment as a whole follows. When finally perfected to the satisfaction of the body, the original motion to adopt is put and voted upon. It is an error to adopt *seriatim;* the proper course is to consider *seriatim* and adopt as a whole.

When the constitution is adopted, chair states that those wishing to become members sign the constitution, if this is required; a motion to take a recess for this purpose is now in order. The constitution having been signed, no one is permitted to vote except those who have signed.

Next is the adoption of the by-laws, which are treated like the constitution.

The next thing is the election of permanent officers of the society. This may be done by appointment of a committee to nominate permanent officers, or the permanent organization may be made by vote of the assembly declaring the temporary organization permanent, or the assembly may proceed to the selection of other officers by nomination and election, or by resolution.

Chapter V.

INTRODUCTION OF BUSINESS.

All business is brought before the assembly by motion.

Before making a motion, it is necessary to rise, address the chair, and receive recognition; this is called "obtaining the floor."

When communications or resolutions are read to an assembly, they are not before the house until introduced by a motion.

The chair has the right to request motions to be presented in writing, if not brief enough to be readily taken down by the secretary.

Motions must be seconded.

"Any member can second any motion from his seat without rising or addressing the chair." (Robert.)

In large meetings it is better for the member to rise and address the chair before seconding, as "Mr. Chairman, I second the motion."

Chair has the right to refuse to put a motion without a second. When chair assumes a second, objections must be made at once, as silence gives consent to the action of the chair.

When the motion is made, seconded, and stated by the chair, it belongs to the assembly. Before statement, it belongs to the mover, and may be withdrawn or modified; after statement, the mover can do neither without the consent of the assembly. When the mover

modifies his motion, the seconder may withdraw his second.

A proposition presented by a member is called a motion; after statement by the chair, it becomes "the question before the house." When the chair repeats for final action, it is termed "putting the question."

After the statement of a debatable motion, the chair should say, "Are there any remarks?" After an undebatable one, "Are you ready for the question?" to give opportunity for points of order, etc.

Chapter VI.

DEBATE AND DECORUM.

A member has no right to speak to his motion before it is made and stated, for the reasons: there is no question for discussion; when made, it may not be in order, or debatable, or the assembly may choose to table or order an immediate vote. This restriction is sometimes relaxed by parliamentary courtesy.

The member who made the motion or presented the resolutions is entitled to the floor first; also the chairman of a committee on resolutions should be accorded the first opportunity of debate.

It is customary to allow the member who introduced the motion or report to close the discussion.

No member who has had the floor is entitled to it again during the discussion of the *same* question, should the floor be claimed by one who has not spoken to that question.

When the chair is in doubt as to who is entitled to the floor, the assembly may decide by a vote. It is courteous to vote first on the member whom the chair decided to be entitled to the floor.

When a society desires to restrict discussion, a special rule should be adopted or a motion passed limiting the discussion of some particular question when it comes before the house.

All remarks must be addressed to the chair and confined to the question before the assembly, avoiding all personalities. Always refer to the officers by their official titles, and to the members as "the member on my right," etc.

When called to order, the member must sit until the question of order is decided.

When a speaker yields the floor temporarily by request, he does not lose his right to finish his speech, if he yields with the chair's cognizance.

It is not allowable to call in question the motives of a member, but the results of any measure may be condemned in emphatic terms.

The calling of "Question, question" is disorderly, and should not be encouraged. Moreover, nothing is gained, as when the chair says, "Are you ready for the question?" and meets with no response, he immediately puts the question.

Parliamentary inquiries are answered by the chair. Pertinent questions are answered by the chair, or by a member at the chair's request; but this is not debate.

Chapter VII.

CLASSIFICATION OF MOTIONS.

Motions are, main, privileged-main, subsidiary, and incidental.

A main motion is a primary proposition.

No main motion can be made when any other proposition is before the assembly; but one main motion can be entertained at a time.

A resolution is a formal motion, and is subject to the same laws and limitations; when expedient, a motion or resolution may be presented in the negative.

A privileged-main is a primary proposition having preference over all other propositions, because of the urgency of its nature.

A subsidiary motion is a proposition relating to another motion.

An incidental motion is one arising in connection with other motions, and is disposed of before the motion which gave rise to it.

RANK OF MOTIONS.

Privileged-Main.	To fix the time to which the Assembly shall adjourn, *a.* To adjourn. To take a recess. Questions of privilege.	Incidentals. Points of order— Appeals, *d.* Withdrawal of motions.
Subsidiaries.	To table. The previous question. To postpone to a previous time, *a.*, *l. d.* To refer to a committee, *a.*, *d.* (Same rank.) { To amend, *a.*, *d.* (Same rank.) { To postpone indefinitely, *d.* Objection to consideration of question.	Reading of papers. To close nominations. Division of question. Methods of consideration, *a.*
Main.	Which introduces business, *a.*, *d.*	Suspension of rules.

EXPLANATION OF CHART.

After business has been introduced by a main motion, it may be desired to defeat, amend, or delay such question; and for this purpose subsidiary motions are employed in the order shown on the chart.

However, any motion of a higher rank may be made, even if no intervening motions are pending. To illustrate: The motion *to table* would be in order immediately after the main motion has been stated. Also it would be in order if the motions *to amend, to delay,* and the *previous question* were pending; in the latter case, if "tabling" were lost, the question before the house would be "the previous question." If tabling were carried, the main motion and amendments, if any, would be tabled and the intervening motions would be rendered nugatory.

Privileged-main motions are higher in rank, as indicated.

As the chart shows, incidental motions may be introduced at any time. They have no precedence over each other, except points of order and appeals, which are the highest. All incidentals must be decided before the questions which gave rise to them.

An incidental may be superseded by a privileged-main motion; on the other hand, an incidental may grow out of a privileged-main, and must be decided before the question which gave rise to it; *a,* signifies amendable; *d,* debatable; *l. d.,* limited debate.

Chapter VIII.

SUBSIDIARY MOTIONS.

Motions Which Defeat.

1. Objection to the consideration of a question.
2. Indefinite postponement.

Objection to Consideration.

The first must be moved and put, if at all, immediately after the statement of the main motion. It does not require a second, and cannot be debated or amended; does not require recognition.

Form of Statement: The question of consideration is raised; shall the question be discussed? If decided in the negative, the question is dismissed for that session.

The object of this motion is to immediately dispose of any motion the assembly may deem puerile, contentious, or irrelevant.

Indefinite Postponement.

Its form is, "I move that the question be indefinitely postponed."

Its effect, when carried, is to remove the question from before the assembly for that session.

It is debatable, and opens the main question to debate.

It can be applied to a main motion, and one growing out of a question of privilege.

This motion is often used to try the strength

of the opposition, or to kill a measure without waiting for a direct vote.

Amendments.

The legitimate use of a motion "to amend" is to perfect; the abuse is to render the motion defective or absurd with a view to its defeat.

An amendment may be by addition, elimination, or substitution.

By addition, to add or insert certain words or paragraphs.

By elimination, to strike out certain words or paragraphs.

By substitution, to substitute words for paragraphs, or a new proposition on the same subject for the one pending.

An amendment to the motion is a primary amendment.

An amendment to the amendment is a secondary amendment.

An amendment to the motion and an amendment to the amendment may be entertained at the *same time.*

The secondary amendment must be germane to the primary amendment, and *not* to the main motion; primary amendment must be germane to the main motion. "An amendment may be inconsistent with one already adopted, or may directly conflict with the spirit of the original motion, but it must have a direct bearing on the subject of that motion." (Robert.)

No motion or proposition on a subject dif-

ferent from that under consideration shall be admitted under color of an amendment. (H. of R., xvi. 7.)

An amendment which has no other affect than to give a motion a negative form is out of order.

If the mover of a motion is permitted to accept an amendment, no voting on amendment is necessary, but it is not courteous to ask the mover to accept.

A substitute is always an amendment, and must be treated as such. A substitute cannot be moved as an equivalent to a motion and its amendments, except provided for by special rule.

When a member desires to move an amendment that is not in order at the time, he can state his intention of offering his amendment, if the pending amendment is voted down. (Crocker and Robert.)

When an assembly has voted to amend in a certain way, it is not in order to offer another motion involving the same question as the one just decided.

Before adoption, minutes are corrected without motion, unless the assembly is divided on the question; when errors are discovered after adoption, they are corrected by a motion to amend.

The motions to amend and indefinitely postpone are the same in rank, and cannot be pending at the same time—first made, first put.

It requires three votes to carry or lose a motion and two amendments. The question is first on the secondary amendment, then it recurs on the primary amendment as amended or not; then on the motion as amended or not; each amendment and the main motion is debatable, unless debate has been cut off by motion for that purpose.

A substitute amendment is a primary amendment, and may have a secondary amendment; the first vote, if carried, perfects the substitute, the second vote substitutes it for the original motion, and the third vote adopts it.

An amendment to the constitution or by-laws is subject to a secondary amendment without previous notice.

MOTIONS WHICH DELAY.

1. To refer to a committee.
2. To postpone to a certain time.
3. To table.

To Refer to a Committee.

"To refer to a committee" can be amended by specifying the number of the committee, how it shall be appointed, or substituting one standing committee for another, or by giving it instructions.

It is debatable, and opens to debate the original question, if that has not been fully discussed.

When the chair appoints, he names the

committee, and no vote is taken; when nominated from the floor, no member nominates more than one, except by general consent. All nominees are voted on together, unless there are more than the number of the committee, when they should be voted on simultaneously, to insure fairness.

When the assembly has not elected the chairman, the first person named is such by courtesy, unless the committee elect another.

It is in order to make the mover of the motion to commit chairman of the committee, when the committee is appointed by the chair.

A committee may be elected by a motion containing the names desired, which is subject to amendment.

In most assemblies the presiding officer appoints the committees, but the power to do this is given in the by-laws, or by a motion duly passed.

When the power of appointing the committee is given the presiding officer, he may appoint at once or may say that the committee will be appointed later. If the appointment is not made until after the close of the session, the chairman should give the names of the committee to the secretary to be recorded in the minutes.

To Postpone to a Certain Time.

This motion can be amended by altering the time. Debate is limited to the propriety of postponement.

Pending amendments are sent forward with their principal, and come before the house at the proper time, the same as if not postponed.

Questions are sometimes postponed to a certain time, and made a special order. This last motion is used principally in legislative bodies. Usually postponed business comes up as unfinished business at the next meeting.

To Table.

This motion cannot be debated or amended. Its effect, when carried, is to remove the question from before the assembly until it votes to take it up again by a motion to take from the table, stating the question. "To take from the table" has no privileges—*i. e.*, it can be made only when there is nothing before the house, and after intervening business, or at another session. If a motion with pending amendments be tabled, the amendments go with the motion, and *vice versa*. This motion may be applied to main motions or their amendments; appeals, reconsideration, and motions growing out of questions of privilege.

Tabling an amendment to the minutes defeats it, but does not table the minutes. While this motion is classed as dilatory, it is used very effectually to defeat measures.

The Previous Question.

This motion is employed for the purpose of ordering an immediate vote on a pending question or questions. It can be applied to

all debatable questions, and is, of course, undebatable. When a call for the previous question is seconded, the chair says: "Shall the main question now be put?" If carried, the main question is said to be ordered; debate, the making of further subsidiaries, except tabling, is cut off, and the assembly is brought to vote.

The motion for the previous question may be limited to a pending amendment, but, if not limited when moved, applies to the whole series of motions which may be pending.

All motions and appeals arising after the main question has been ordered are decided without debate.

Chapter IX.

PRIVILEGED MOTIONS.

Questions of Privilege.

Questions of privilege usually relate to the order or comfort of the assembly, and are usually decided informally.

When such a question requires immediate attention, it may interrupt a member. The form is, "I rise to a question of privilege." Chair replies, "State your question." Chair then decides whether it is a question of privilege or not. A question of privilege affecting the body is more highly privileged than one affecting a member, and when the two compete, the former is disposed of first.

When a motion grows out of a question of privilege, it is treated the same as any other main motion.

To Take a Recess.

When a session consists of two or more meetings, the time of resuming having been fixed, this motion is privileged and cannot be debated or amended, and is equivalent to the motion to adjourn.

In sessions consisting of one meeting, "to take a recess," if made while other business is pending, can be amended as to time; if made when there is nothing before the house, is a main motion.

To Adjourn.

This motion is not in order when a member has the floor, or during the progress of voting. It can be renewed, if there has been intervening business, or even debate. It is undebatable; when qualified in any way, it loses its privileged character. When adjournment does not close the session, the business interrupted is first in order, after reading and approval of minutes.

When adjournment closes the session which meets once a year, or when the session ends the term of a portion of the members, all unfinished business is introduced to the succeeding body as new business.

The chairman may adjourn a meeting under the following necessities: When a quorum is hopeless, or when nearly all have dispersed except chairman and secretary, or when there is confusion rendering deliberation impossible.

When a meeting is thus adjourned, the chair should cause the secretary to enter the reasons for his order of adjournment in the journal. By general consent, urgent business may be transacted after the motion to adjourn has been put, and before adjournment is declared.

Chapter X.

INCIDENTAL MOTIONS.

Points of Order.

It is the duty of the presiding officer to maintain order, and rule everything out of order that is not correct. If he fails to do this, any member should rise at once to a point of order, and state the error. Chair replies, "Chair deems the point well taken," or "not well taken," as the case may be. (This declaration of the chair is called the "ruling.") Member need not obtain the floor to make a point of order.

The chair may decide immediately upon a point of order, or may indulge in debate at his pleasure, or ask advice of members before ruling. A motion cannot be ruled out of order after it has been entertained and debated, but it may be withdrawn. If, after adoption, a motion is discovered to be unparliamentary, it should be reconsidered and withdrawn, or voted down. The chair should not rule a person out of order, unless disorderly, but should rule the motion out of order. If the point of order relates to words spoken in debate, these words are taken down by the secretary, when the objection to them is raised.

No motion is in order which conflicts with the constitution, by-laws, standing rules, or resolutions of an assembly.

If a point of order upon a point of order is raised, the second is decided first, and to avoid complications, is not debatable, nor subject to appeal.

If the chair neglects to bring before the house delayed business at the proper time, a member may "rise to a point of order," or call for the "orders of the day."

Appeals.

If a member objects to the decision of the chair, he says, "I appeal from the decision of the chair." If the appeal is seconded, the chair must immediately state the question as follows: "The decision of the chair has been appealed from; shall the decision of the chair be sustained?" (If the chair thinks proper, he may state the reasons for his decision without leaving the chair.)

An appeal can be made only at the time of the decision of the chair.

An appeal cannot be amended, but can be debated, except when it relates to indecorum, transgression of the rules of debate, or if made while the previous question is pending, or after the main question is ordered, or while an undebatable question is pending.

A member can speak but once on an appeal without the consent of the assembly.

If an appeal is debatable, then the previous question may be applied to it.

An appeal is not in order when another appeal is pending.

On a tie vote, the decision of the chair is sustained; also when an appeal is tabled.

An appeal may be reconsidered, unless the measure which gave rise to the appeal has been disposed of pursuant to the decision.

All rulings of the chair are subject to appeal.

The right of appeal is indispensable to the free action of all assemblies, and is based on the principle that the chair is the first court, and the body supreme; hence final authority rests with the body.

For the Reading of Papers.

This motion is for the reading of papers *relating* to the matter under consideration. When a member asks to read an article bearing on the question before the house, the chairman says, "If there is no objection, we will listen to the paper." Should any objection arise, a vote is taken.

A paper itself under consideration should be read as often as necessary to acquaint the members with the contents before voting on it.

Withdrawal of Motions.

Before statement by the chair, the mover may withdraw at will. After statement, if any objection is made, it is necessary to obtain leave to withdraw.

If a motion having pending amendments is withdrawn, the amendments are also with-

drawn, but an amendment may be withdrawn without withdrawing the motion.

An amended motion cannot be withdrawn.

When vote has been ordered on a motion, it cannot be withdrawn.

To Close Nominations.

This motion is not in order until every member has had an opportunity to make a nomination. "It is not in the power of the majority to debar a member of this privilege, when nominations are in order." (Waples.)

Division of a Question.

When a motion is susceptible of division into two or more substantive propositions, it is in order for a member to move that the question be divided, stating exactly the manner of division desired. When division has been ordered, all but the first proposition must stand in abeyance.

When that has been disposed of, the remaining are treated in like manner. Amendable.

Methods of Consideration.

These motions can only be made in the absence of special rules and apply only to the question under consideration. Examples: "I move that the debate be closed in thirty minutes;" "I move that the vote be taken by ballot," etc. Amendable.

Suspension of Rules.

The form is, "I move to suspend the rule which interferes with," etc., specifying the

object of the suspension. Constitution can never be suspended. A by-law relating to the transaction of business may be suspended, but should be so specified in the by-laws.

No rule based upon established parliamentary principles should ever be suspended.

Standing rules may be suspended, if such provision is made in the rules.

It is impossible to anticipate all incidental motions which may arise, but they may be readily recognized.

Chapter XI.

TO RECONSIDER.

This motion is employed to repeal a vote that a question may be again under consideration. If carried, the question to which it relates is before the house in the condition it was just previous to its decision.

Reconsideration must be moved by one who voted on the prevailing side, except when the vote was by ballot. In absence of a special rule, reconsideration must be moved on the day the vote to be repealed was taken, or the next day in case of session of more than one meeting.

Reconsideration may be moved and entered on the minutes for future action, while another has the floor; but the suspensive effect is not beyond the session or beyond the next sitting of weekly or monthly meetings.

Reconsideration is in order after a vote is taken, with or without intervening business; it yields to privileged and incidental motions.

The motion to reconsider is debatable, if the motion to be reconsidered is such, and opens the latter to debate.

No vote can be reconsidered without repealing in reverse order all previous votes which affect the question to be reconsidered; this refers to a motion and its amendments. When the previous question is in force, any

vote taken under it can be reconsidered, subject to the previous question—*i. e.*, without amendment or debate.

After the effect of the previous question is exhausted, votes previously taken under it may be reconsidered and treated the same as if the previous question had not been in force.

A motion to "reconsider" may be tabled without tabling the motion to be reconsidered.

MOTIONS WHICH CANNOT BE RECONSIDERED.

Adjourn.

Previous question, if partly or wholly carried into effect.

To reconsider.

Affirmative vote, to table and to take from the table.

Suspend rules.

A vote as a result of which something has been done which the assembly cannot reverse.

TO REPEAL.

When an assembly wishes to annul some previous action, and the time limit allowing reconsideration has passed, a motion to repeal the undesirable action is in order.

Incomplete motions are treated as follows: Any number of members may propose, without a second, different numbers or names for filling a blank; names are voted on simultaneously, and numbers from the smallest to the greatest, or *vice versa*, if the sense requires it, always voting first on the number least likely to command a majority.

Chapter XII.

THE COMMITTEE AND ITS REPORT.

Organizations of all kinds do a large proportion of their business through the agency of committees. There are two general classes: standing committees, holding office usually a year, or during the pleasure of the organization; and select committees appointed for some temporary purpose.

A majority of a committee constitutes a quorum, unless the assembly otherwise direct.

Motions may be dispensed with in small committees, but a vote should be taken, so as to know what has been decided. All action of a committee should be taken at a meeting duly called, or where all the members are present. The consent of all individually without a meeting will not render valid any action. The duty of the chairman of the committee is to call all meetings, to preside over them, to make all reports to the assembly unless the committee otherwise orders.

The report should be signed by every member who concurs.

The assembly has the power to order a report or to take back business that has been committed at any time. In the absence of instructions, the report should be within a reasonable time. Sometimes an assembly is not willing to hear the report at the time desig-

nated and may by motion decline to do so. After the reading of the report, the assembly has received it and is in a position to act upon it. When the report is received, the committee is thereby dissolved. When a pending motion has been referred to a committee, it is, upon the report of the committee, before the house in the form it existed when referred. If, when the reference was made, there were pending amendments, these are first in order, subject to the same laws as though there had been no commitment. When the pending amendments are disposed of, any amendments or recommendations suggested by the committee may then by motion be brought before the assembly. It is never in order to move the adoption of a report upon a pending motion, as the report is always advisory, and, while it may influence votes, the question is always on the pending motion; or, if there were no pending amendments referred, it may be first on an amendment offered by a member of the committee or assembly, and then on the pending motion. When a defective resolution is referred for the purpose of having it revised, the resolution thus reported back by the committee may on motion be substituted for the matter referred, and stand in the relation of a resolution originally introduced.

When a committee is created through the agency of a main motion, as "I move that a committee be appointed," etc., its report

comes before the house, by a motion to accept, approve, or adopt, according to its nature.

If the report consists of a statement of facts, the motion should be to accept; if of work done, to approve; if a recommendation for action or resolutions, to adopt. Business reported by a standing committee is original business, and subject to action the same as if introduced by an individual. A committee may report as follows: "Your committee to which was referred —— respectfully submit the following." Or: "Your committee which was appointed to —— respectfully," etc.

MINORITY REPORT.

It is customary to receive the minority report immediately after receiving the report of the committee, but it cannot be acted upon unless a motion is made to substitute it for the report of the committee. The form is, "The undersigned, a minority of the committee to which was referred," etc.

Minority report in a matter referred is not essential, as the report is only advisory, action being on the question referred.

Tabling the question on substituting the minority report for the report of the committee tables the report of the committee also, as the minority report is an amendment.

Committee of the whole is the assembly itself resolved into a general committee. The presiding officer appoints a chairman, and sits as a member of the committee; an informal

discussion of the pending question or resolution follows. When the committee has finished its deliberations, it rises, the presiding officer takes the chair, and the chairman of the committee reports to the assembly. This report usually consists of recommendations which may be adopted by the assembly. Committee of the whole is for debate, free from restrictive measures, not practical for non-partisan bodies. A quorum of committee of the whole is the same as that of the assembly.

Chapter XIII.

NOMINATIONS.

Nominations are suggestions, and do not *require* a second. Members may vote for those not nominated, unless special rule otherwise. Nominations are from the floor, unless otherwise provided; until nominations are closed, each member has a right to present a nominee and to withdraw his name and present another.

The report of a nominating committee is simply advisory, unless the rule or motion states that the officers are to be selected from the ticket or tickets presented by the committee.

An informal or nominating ballot is a secret method of nominating. Some courts hold that if an informal ballot results in a choice, it is an election. This is unsound.

Chair announces an election by ballot as follows: "Whole number of votes cast, ——; number necessary to an election, ——; Mr. A received ——, Mr. B ——, Mr. C ——; Mr. A, having received the required number, is elected."

An election takes effect immediately, unless there is a rule to the contrary.

VOTING.

There are five methods of voting:

1. By silent assent; used in adopting minutes and routine motions.

2. By voices.

3. By showing hands.

4. Yeas and nays; the secretary calls the roll; the members, previously directed by the chair, answer "yes" or "no."

5. By ballot. This method is used only where required by the constitution or by-laws, or where the assembly has ordered the vote to be so taken.

The chair, if uncertain, may order a "division," or any member may call for it, in case of doubt, provided he call at once, before business has intervened; sometimes both sides vote at once, by separating to different sides of the room, if that is the method desired; tellers may be appointed by the chair to assist in the count.

When so required, a vote should be taken by ballot, enabling every member to cast a secret vote; hence ordering the secretary to cast the ballot is simply electing by a *viva-voce* vote, and is not legal, for if any member objects, the secrecy is destroyed.

Assuming that an election is unanimous because a motion to that effect is passed is dishonest if there be one dissenting voice.

The fact that illegal votes were cast will not invalidate an election unless it is shown that they were sufficient to change the result. Unanimous consent cannot cure proceedings tainted with fraud.

A majority is more than one-half, ignoring blanks.

A plurality is the largest of several, and never elects except by a special rule previously adopted.

On a tie vote, the motion is lost, except in appeals.

Both affirmative and negative vote should always be taken. No member should vote on any question where his private interest is concerned, distinct from the interest of the society.

It is not compulsory for a presiding officer of a society to give the casting vote in case of a tie. He may do so, if a member, and if he did not vote when the question was put by him. He cannot vote twice, as a matter of course. When there is a special rule requiring all the members to vote, the chair should do so with the rest; where there is not, he may vote in case of a tie, or before.

"Acclamation" means by "a shout," and is not a parliamentary term. Voting by proxy is not legal except in case of stockholders of corporations, unless the by-laws so provide.

In the absence of any special rule modifying the common parliamentary law, a majority of members constitutes a quorum. No business can be transacted unless a quorum is present.

"General consent" means unanimous consent.

Note.—In this manual, the common-law principle that the majority shall rule is observed.

Should a society adopting this manual desire a two-thirds requirement on certain motions, it must adopt a special rule to that effect.

It is unwise to require a two-thirds vote to amend the constitution or by-laws; a bare majority should be able to control the rules of an assembly.

Chapter XIV.

DELEGATED CONVENTION.

A delegated convention is a representative body, while those we have been considering are purely democratic. In case the convention is that of a permanent society, it is called to order by the president of the organization, who presides until his successor is elected. The chairman of the credentials committee is usually appointed by the executive board some weeks before the date of the convention, and from the place where the meeting is to be held. Other members of this committee may be selected by the chairman of the committee, or be appointed in the same manner as above. The committee on credentials should report as soon as possible. If there are any contested seats, they are first presented to the committee and may be carried to the convention by the committee for final decision; usually the report of the committee is adopted.

Up to this time the assembly has been merely a preliminary mass meeting, but upon the adoption of the report of the credentials committee the delegated convention begins its existence. Committees on rules of order and resolutions are appointed, and the convention then proceeds with the business as outlined

in the programme, and in accordance with the constitution.

When the convention is not that of a permanent society, it is called to order by the chairman of the committee having it in charge, who usually names the temporary chairman and secretary. The first thing is the appointment of committees on credentials, permanent organization, and resolutions. For this purpose a recess is taken to enable the delegations to select their candidates for committeemen, which is usually done by ballot. When the convention is re-assembled, the secretary calls the roll of clubs, districts, or states, the chairman of each delegation replying by announcing the names of those chosen for the respective committees.

After the adoption of the report of the credentials committee, which should occur as soon as practicable, action follows on the report of the committee on permanent organization, and the convention is then ready for the business for which it convened. The resolutions reported by that committee are considered, and, if it be a political convention, candidates are nominated.

When the business of the convention has been finished, it adjourns *sine die*.